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12 INTERNATIONAL BUSINESS MACHINES
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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 *In re* IBM Subpoena in the matter of:

18 INTERNATIONAL BUSINESS
19 MACHINES CORPORATION,

20 Plaintiff,

21 vs.

22 PLATFORM SOLUTIONS, INC.

23 Defendant.

CASE NO. 5:07-mc-80174-JW PVT

Underlying action pending in the United
States District Court for the Southern District
of New York, CASE NO. CV 06-13565 SCR

**PLAINTIFF IBM'S ADMINISTRATIVE
MOTION PURSUANT TO LOCAL RULE
79-5(c) TO FILE UNDER SEAL**

24 Plaintiff International Business Machines Corporation ("IBM") submits this administrative
25 motion pursuant to Civil Local rule 79-5(c) for an order sealing certain portions of IBM's
26 memorandum of law in support of its Opposition To Hewlett-Packard's Motion To Modify
27 Subpoena And For A Protective Order, filed on October 2, 2007 ("IBM Opposition Brief").

1 A party may be permitted to file court documents under seal to protect confidential and
2 trade secret information. *See, e.g., Johnson Controls, Inc. v. Phoenix Control Sys.*, 886 F.2d 1173,
3 1176 (9th Cir. 1988) (discussing proper procedure to submit trade secrets under seal); *Henry Hope*
4 *X-Ray Prods., Inc. v. Marron Carrel, Inc.*, 674 F.2d 1336, 1343 (9th Cir. 1982). As set forth in
5 the Declaration of Richard Erwine, the IBM Opposition Brief contains information considered to
6 be confidential by third-party respondent Hewlett-Packard Company ("H-P"). Accordingly, IBM
7 respectfully requests that the Court enter an order placing under seal the designated portions of the
8 IBM Opposition Brief.
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13 DATED: October 3, 2007

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

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15 By/s/ Thomas R. Watson

16 Thomas R. Watson
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1 **Certificate of Service**

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3 The undersigned hereby certifies that copies of the proceeding document has been caused
4 to be served this 3rd day of October, 2007 upon the following counsel of record in the manner
5 indicated.

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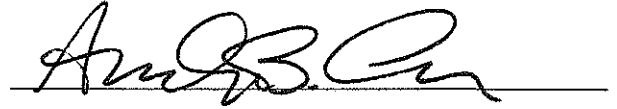
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A handwritten signature in black ink, appearing to read "Andrew B. Curran", is written over a horizontal line.

Andrew B. Curran

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